

Rule 5. Admission on Motion

Rule 5-1. Reciprocal Admission. An Admission on Motion Applicant may be admitted to the practice of law if the Applicant has been admitted to the practice of law before the highest court of a sister state or United States territory or the District of Columbia where admission by motion is authorized and the Applicant meets all other requirements of this Rule. The burden of proof is on the Applicant to establish by clear and convincing evidence that he or she meets each of the following requirements:

(a) Have been admitted by bar examination to practice law before the highest court of a sister state or United States territory or the District of Columbia;

(b) Hold a first professional degree in law (Juris Doctorate or Bachelor of Laws) from an Approved Law School;

(c) Establish that the sister state or United States territory or the District of Columbia that licensed the Applicant allows the admission of licensed Utah lawyers under terms and conditions similar to those set forth in this Rule, provided that if the sister state or United States territory or the District of Columbia that licensed the Applicant requires Utah lawyers to complete or meet other conditions or requirements, the Applicant must meet a substantially similar requirement for admission in Utah.

(d) Have been substantially and lawfully engaged in the active practice of law (meaning fifty percent or more) in the reciprocal jurisdiction where licensed for at least three (3) of the previous four (4) years immediately preceding the date of the filing of the application for admission under this Rule.

(e) Present satisfactory proof of both admission to the practice of law and that he or she is a member in good standing in all jurisdictions where currently admitted;

(f) File with the application a certificate from the entity having authority over professional discipline for each jurisdiction where the Applicant is licensed to practice which certifies that the Applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter;

(g) Present satisfactory proof to demonstrate that the Applicant has been substantially and lawfully engaged in the practice of law for the applicable period of time;

(h) Establish that the Applicant possesses good moral character and satisfies the requirements of Rule 8;

- (i) Provide evidence of the Applicant's educational and professional qualifications;
- (j) Upon the filing of the application, pay the prescribed fees; and
- (k) File with the Bar a designated Service of Process Form setting forth his or her address in this State and designating the Clerk of the Utah Supreme Court as his or her agent upon whom process may be served.

Rule 5-2. Active Practice Defined. For the purposes of this Rule, the “active practice of law” shall include the following activities, if performed in a jurisdiction in which the

Applicant is admitted, or if performed in a jurisdiction that affirmatively permits such activity by a lawyer not admitted to practice:

- (a) sole practitioner, partner, shareholder, associate, or of counsel in a law firm; or
- (b) an organization's employee whose principal responsibility is to provide legal advice or service; or
- (c) government employee whose principal duties are to provide legal advice or service; or
- (d) service in the United States armed forces in a legal capacity; or
- (e) judge of a court of general or appellate jurisdiction requiring admission to a bar as a qualification for admission thereof; or
- (f) law clerk to a judge of a court of general or appellate jurisdiction; or
- (g) teaching full-time in an Approved Law School.

Rule 5-3. Unauthorized Practice of Law. For the purposes of this Rule, the active practice of law shall not include work that, as undertaken, constitutes the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

Rule 5-4. Continuing Legal Education Requirement.

(a) All Applicants admitted to practice law pursuant to this Rule shall complete and certify no later than six (6) months following the Applicant’s admission that he or she has attended at least fifteen (15) hours of continuing legal education on Utah practice and procedure and ethics requirements.

(b) The Board of Bar Commissioners may by regulation specify the number of the required fifteen (15) hours that must be in particular areas of practice, procedure, and ethics. Included in this mandatory fifteen (15) hours is attendance at the Bar's OPC Ethics School. This class is offered twice a year and provides six (6) credit hours.

(c) The remaining nine (9) credit hours must be made up of Utah's New Lawyer Continuing Legal Education ("NLCLE") courses.

(d) Twelve (12) of the fifteen (15) hours may be completed through self-study by access to Utah's on-line education system.

(e) The above fifteen (15) hours will apply towards the ~~twenty seven (27)~~ 24 hours required per two-year compliance period.

(f) Continuing Legal Education ("CLE") credit may be awarded for out-of-state activities that in the determination of the Board of Mandatory Continuing Legal Education ("MCLE Board") meet certain standards in furthering an attorney's legal education. Whether to accredit such activities and the number of hours of credit to allow for such activities shall be determined by the MCLE Board. Activities that may be regarded as equivalent to state-sponsored CLE may include, but are not limited to, viewing of approved continuing legal education videotapes, writing and publishing an article in a legal periodical, part-time teaching in an Approved Law School, or delivering a paper or speech on a professional subject at a meeting primarily attended by lawyers, legal assistants, or law students. Application by a member of the Bar for accreditation of a CLE activity must be submitted in writing to the MCLE Board. Forms and contact information regarding applying for accreditation is available on-line at mcle@utahbar.org. Out-of-state activities cannot substitute for the fifteen (15) mandatory CLE hours described in 5-4(b) and (c) above.

Rule 5-5. Subject to Utah Rules. All Applicants admitted to practice law pursuant to this Rule shall be subject to and shall comply with the Utah Rules of Professional Conduct, the Rules Governing Admission to the Utah State Bar, the Utah Rules of Lawyer Discipline and Disability and all other rules and regulations applicable to members of the Utah.

Rule 5-6. Discipline. All Applicants admitted to practice law pursuant to this Rule shall be subject to professional discipline in the same manner and to the same extent as a member of the Bar. Every person licensed under this Rule shall be subject to control by the courts of the State of Utah and to censure, suspension, removal or revocation of the Applicant's license to practice in Utah regardless of where conduct occurs.

Rule 5-7. Notification of Change in Standing. All Applicants admitted to practice law pursuant to this Rule shall execute and file with the Bar a written notice of any change in such person's good standing in another licensing jurisdiction and of any final action of the

professional body or public authority referred to in 5-1(f) of this Rule imposing any disciplinary censure, suspension, or other sanction upon such person.

Rule 5-8. Form and Content of Application.

(a) An Admission on Motion Applicant shall file an application. The Applicant must provide a full and direct response to questions contained in the application in the manner and time prescribed by these Rules. The Board may require additional proof of any facts stated in the application. In the event of the failure or the refusal of the Applicant to furnish any information or proof, or to answer any inquiry of the Board pertinent to the pending application, the Board may deny the application without hearing.

(b) An application shall include an authorization and release to enable the Board to obtain information concerning such Applicant. By signing this authorization and release, an Applicant waives his or her right to confidentiality of communications, records, evaluations, and any other information that may concern the Applicant's fitness to practice law.

Rule 5-9. Timing of Application and Admission.

(a) An application may be filed at any time.

(b) Upon approval by the Board of an application the Applicant will be admitted in accordance with Rule 16.